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PTO/SB/01A (08-03).

Approved for use through 10/31/2002. OMB 0651-0032.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE.

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	FUEL CELL SYSTEM WITH FLUID STREAM RECIRCULATION
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. 10/666,919, filed on September 18, 2003,
 as amended on _____ (if applicable);

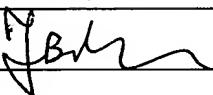
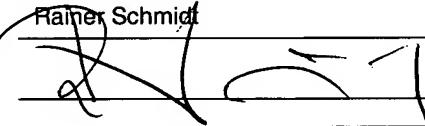
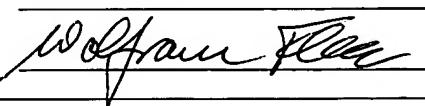
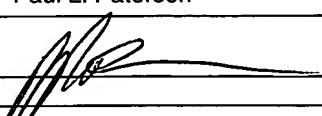
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one:	Janusz Blaszczyk	Citizen of:	Canada
Signature:		Date:	<u>14 Oct 03</u>
Inventor two:	Hainer Schmidt	Citizen of:	Germany
Signature:		Date:	<u>OCT 17 03</u>
Inventor three:	Wolfram Fleck	Citizen of:	Germany
Signature:		Date:	<u>Nov 25 2003</u>
Inventor four:	Paul L. Paterson	Citizen of:	Canada
Signature:		Date:	<u>Dec. 12, 2003</u>

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: P.O. Box 1450, Alexandria, VA 22313-1450.
Docket No. 130109.484 1422297

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**ELECTION AND POWER OF
ATTORNEY and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/666,919
Filing Date	September 18, 2003
First Named Inventor	Janusz Blaszczyk
Title	FUEL CELL SYSTEM WITH FLUID STREAM RECIRCULATION
Art Unit	
Examiner Name	
Attorney Docket Number	130109.484

I hereby appoint:

Practitioners at Seed IP Law Group PLLC, Customer Number: 00500

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	ZIP	
Country			
Telephone	Fax		

I am the:

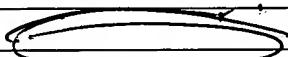
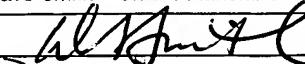
Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

As assignee of record of the entire interest I/we hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

SIGNATURE of Applicant or Assignee of Record

Name	Noordin S.K. Nanji – Vice-President, Corporate Strategy & Development
Signature	
Date	DECEMBER 22, 2003
Name	Dave Smith – Chief Financial Officer
Signature	
Date	December 15, 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 130109.484 \422298



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PTO/SB/96 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Janusz Blaszczyk et al.

Application No./Patent No.: 10/666,919 Filed/Issue Date: September 18, 2003

Entitled: FUEL CELL SYSTEM WITH FLUID STREAM RECIRCULATION

Ballard Power Systems Inc., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title noted in B above are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

DECEMBER 22, 2003
Date

Noordin S.K. Nanji

Typed or printed name

Telephone Number

Signature

Vice-President Corporate Strategy & Development

December 15, 2003
Date

Dave Smith

Typed or printed name

Telephone Number

Signature

Chief Financial Officer

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ASSIGNMENT

COPY

WHEREAS, we, **Janusz Blaszczyk**, having a mailing address of #68 – 6588 Barnard Drive, Richmond, British Columbia, Canada V7C 5R8; **Rainer Schmidt**, having a mailing address of 4477 Portland Street, Burnaby, British Columbia, Canada V5J 2N8; **Wolfram Fleck**, having a mailing address of 1532 Harbour Drive, Coquitlam, British Columbia, Canada V3J 5V5; and **Paul L. Paterson**, having a mailing address of #903 – 1050 Burrard Street, Vancouver, British Columbia, Canada V6Z 2S3 (hereinafter referred to as ASSIGNORS), are the joint inventors of an invention entitled "**FUEL CELL SYSTEM WITH FLUID STREAM RECIRCULATION**," as described and claimed in the specification for which an application for United States letters patent was filed on September 18, 2003 and assigned Application No. 10/666,919;

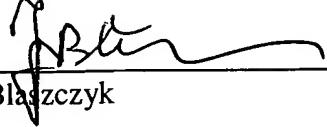
WHEREAS, **Ballard Power Systems Inc.** (hereinafter referred to as ASSIGNEE), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

COPY

14 Oct 03
Date


Janusz Blaszczyk

Province of British Columbia)
)
Country of Canada)
)
 ss.

I certify that I know or have satisfactory evidence that Janusz Blaszczyk is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 14 October 2003
Signature of
Notary Public 
Printed Name CERRY B. HILLIER

My appointment does not expire.

COPY

NOV 26/03

Date


Rainer Schmidt

 COPY

Province of British Columbia)
)
Country of Canada)
)
 ss.

I certify that I know or have satisfactory evidence that Rainer Schmidt is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Nov. 26, 2003

Signature of
Notary Public Pierre Cantin

Printed Name Pierre Cantin

My appointment does not expire.

COPY

COPY

Nov 25, 2003

Wolfram Fleck

Province of British Columbia)
Country of Canada)
ss.

I certify that I know or have satisfactory evidence that Wolfram Fleck is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Nov 25, 2003
Signature of
Notary Public Victor Tuomi
Printed Name Victor Tuomi

My appointment does not expire.

COPY

Dec. 12, 2003
Date


Paul L. Paterson

Province of British Columbia)
)
Country of Canada)
)
 ss.

COPY

I certify that I know or have satisfactory evidence that Paul L. Paterson is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated Dec 12, 2003
Signature of
Notary Public 
Printed Name Victor Tuomi

My appointment does not expire.

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